



Town of Carlisle

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PLANNING BOARD

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MINUTES: MEETING OF MARCH 14, 1994

Chair Ernstoff opened the meeting at 8:08. Attending were members Evans, Chaput, Duscha, Yanofsky, Colman and Hughes; also in attendance were George Foote and Hal Sauer, regarding the Senior Residential Open Space Community bylaw, and Ben Enquist of Lowell Rd. and Kathy Guarnaccia of East St.

The minutes of Feb. 28, 1994 were approved as amended on a motion by Yanofsky, seconded by Hughes. In favor were Ernstoff, Hughes, Yanofsky, Duscha and Chaput; abstaining were Evans and Colman.

The minutes of Feb. 14, 1994 were approved as written on a motion by Colman, seconded by Hughes. In favor were Duscha, Chaput, Ernstoff, Colman and Hughes; abstaining were Yanofsky and Evans.

The minutes of Feb. 7, 1994 were approved as written on a motion by Colman, seconded by Hughes. In favor were Yanofsky, Ernstoff, Chaput, Colman and Hughes; abstaining were Evans and Duscha.

Bills were approved as presented, with the board agreeing to follow the P.A.'s recommendation that the *Landlaw* subscription not be renewed, and that the post office box be given up. The planning board will use the Town of Carlisle box, #827; the P.A. will so notify regular correspondents and the post office. These measures will save \$150 annually.

Senior Residential Open Space Community Bylaw The board assigned members to attend other board meetings for the purpose of discussing the bylaw. Evans will attend the Health meeting on March 15, Duscha will attend the ConsCom meeting and Chaput the Housing Options meeting both on March 17, and Ernstoff will attend the Selectmen's meeting on March 22. The board will meet the P.A. at 11 A.M. March 20 to tour The Arbors and Audubon Hill in Acton, examples of housing developed under a similar bylaw to the one to be proposed in Carlisle. The Acton developments, however, are at one acre and one half acre density respectively; Carlisle's proposed bylaw requires a minimum of two acre density.

Ernstoff reported that his and Stewart's meeting with the Selectmen was a very positive one. Ralph Anderson questioned how the owners of a joint septic system would fix a failed system. Ernstoff and Stewart told the board that the Homeowners' Association required by the bylaw is responsible for all such matters, and that such a group may well act more quickly to repair a failed system than an individual homeowner.

The board then reviewed the 3/3/94 draft and the collected comments from individual board members, Housing Options group members, and Lane of ConsCom. The purpose section was reordered and redrafted. Colman questioned whether we want this bylaw to be limited to seniors; Duscha concurred. Sauer commented that senior housing has been a consistent and major concern in the town for a long time, whereas support for housing for lower income people has been less consistent and strong. It was agreed that these are two different areas of concern, but that the best argument for any alternative form of housing would be the construction of a well sited and attractive complex under the S.R.O.S.C. bylaw.

Regarding the density multiplier factor (5.7.4.1.), Sauer asked that the board use the number 1.4. The Housing Options group believes at this time that 1.4 is the highest multiplier they will need in order to propose a financially feasible housing community. They will meet with their development expert this week to finalize their calculations. Sauer explained that Housing Options feels the maximum selling price needs to be \$200,000 per unit. Foote commented that the market will set the price, and because the need is substantial, the price may go higher. Chaput would like to see a high enough density factor to meet the expressed need. Colman commented that he wants to keep the density factor as low as is feasible, because this an open space bylaw as well. The board agreed that no final number can be set until detailed development costs are provided.

Regarding the demonstration plan (5.7.4.1), Foote commented that while the board might well confer with ConsCom and Health, it alone has the final say. He recommended the board not tie its decision regarding lots to the approval of other boards in the structure of the bylaw, but that their recommendations should be considered in the rules and regs. The Subdivision Rules and Regs already allow the board to require additional information as it sees the need.

Duscha reported that Judy Lane, assigned to review the bylaw for ConsCom, has urged that the board require ConsCom approval for the demonstration plan, and has suggested we disallow any construction in the 100 foot buffer zone. It was agreed that perhaps her concerns, and those of Ernstoff, could be met by adding the words "incorporating wetland considerations" into Section 5.7.4.1. **It was agreed that the board intends the rules and regs to require that the planning board consider ConsCom wetland related concerns in both the demonstration plan and the S.R.O.S.C. plan.**

Regarding the question of how the open space requirement should be calculated, the board debated whether a flat 60% requirement is better than a ratio factor which requires 1.2 acres of open space for every dwelling unit (which is the equivalent of 1.2 acres of open space for every 2 acre lot approved under 5.7.4.1 x density factor; 1.2 is 60% of 2.) Foote explained his preference for the latter method. If in proposing a certain parcel for a S.R.O.S.C., a developer can both make this bylaw work and sell off some part of the parcel for other purposes, he will. If, on the other hand, the separable portion of the lot is not easily sold, perhaps because it's landlocked or wet, this formula will allow him to keep it in the project, and not just separate it off, thereby eliminating town or homeowners' association control over it. We don't want, he assumed, to force a developer to separate a portion. The Board agreed to keep the 1.2 acre per dwelling unit in the draft.

Trail Easement at Ice Pond The board interrupted the bylaw discussion to meet with Ben Enquist. Kathy Guarnaccia, an Ice Pond abutter, was present to hear the discussion. Enquist reported that on March 4 he was walking dogs on the common driveway pavement (Aberdeen Rd.), and was confronted by Charles Boiteau, lot 3 owner and former subdivision owner, who told him the trail easement does not run over the pavement, and that he should leave the pavement and not return to it. Enquist hoped the Board could resolve the matter, and would in the future require monumentation on trails. The P.A. had spoken with Hebb, the owner of the subdivision, who told her he had surveyed the location of the 30' driveway easement and had placed the 14' pavement dead center on it. The 20' trail easement overlaps the driveway easement by 10', which indicates that at least 2' of trail overlaps pavement. The P.A. asked Hebb to provide the Board with a record of that survey and he said he would in about one month. The Trails Committee plans to cut and blaze the trail in the spring. Meanwhile, Enquist was advised his recourse is to the police, who have the duty to enforce citizens' rights to use trails for which easements have been granted to the town. Foote commented that the Selectmen can require the owner to keep the trail clear to a width of 5', as required by the easement agreement. Enquist asked for a legal description of the trail easement, and Foote stated one would be available at the Registry of Deeds in terms of metes and bounds. Sauer suggested the Trails Committee and Enquist meet with the Selectmen to ask for enforcement of citizens' rights. The Board agreed to assume the Common Driveway plan, as amended in June of 1993, is accurate until Boiteau demonstrates it is wrong. Duscha also asked the P.A. to remind Hebb that he has a pile of dirt on the trail easement, and ask that he remove as soon as he can.

Selectmens' survey discussion The Board asked Paul Cohen, who was in the building, to discuss the survey which had been sent to the P.A., requesting her to describe in detail the work she does so that the town hall space can be accurately planned. Ernststoff pointed out to Cohen that the P.A. works for the Planning Board, and any request for use of her time should be made through the Planning Board, especially when budget restraints are so tight that she can't do all the work the board needs done.

Senior Residential Open Space Community Bylaw, cont'd. The Board agreed to amend Section 5.7.4.6.4 to drop "not easily found elsewhere in Carlisle" and insert "valuable" before habitat, as suggested by Steve Hamilton.

Regarding question of **public versus private access** to the Open Space (Section 5.7.4.10), the Board debated whether access should always be public, and so stated in the bylaw, or whether that issue should be resolved on a case by case basis, as the preservation value, ownership and use of the open space dictates. The Board agreed to the latter, with Duscha holding judgment until further discussion.

The Board also agreed to add "units" to "dwelling" in 5.7.4.11, and to require "at least" two parking spaces, given the seniors may still be rather active and owners of two cars, and given they will have visitors.

Regarding the issue of **buffer depth**, Chaput questioned whether 100' is excessive; she felt there may be some sites which either don't need it or may be hindered by it. She expects the buildings to be attractive enough that passersby won't wish they were hidden.

Colman pointed out that his house and his neighbor's house approximate the size of these buildings, and they have about an 80' side setback, which is not very significant in terms of screening, and in terms of the perception of massing. The Board agreed to leave the 100'. Foote asked what **specific dimensional exemptions** the Board might want to enumerate, and what **specific lot requirements** the Board might wish to propose. The Board agreed that a 40' frontage would be desirable, allowing for an adequate private road and fire access, and that exemption from the one house-one lot requirement is needed. The requirement that no more than two pork chops be contiguous seemed inappropriate here, as this lot or lots will be a large tract. Foote agreed to work on the dimensional sections. The issue of **septic system repair will be addressed in the Rules and Regs under requirements of the Homeowners' Association; an account for that purpose can be required.**

Submission requirements (5.7.5) The board discussed whether various information should be required in the bylaw, or whether it might better be requested under rules and regs. It was agreed to keep the requirement of 5.7.5.1 for a demonstration plan. Foote and Sauer suggested that 5.7.5.2 would be cleaner were it simply to ask for a plan of the Senior Residential Open Space Community providing such information as the Planning Board shall require in its rules and regs. They felt that this list inevitably leaves something out, and asks, perhaps, for something unnecessary in some specific proposals. They argue that this list simply demonstrates what we've already said (in 5.7.4) we must find in order to grant the special permit. Yanofsky and Duscha felt that the words would be reassuring to the public, and give the public some idea of what the Board will review. Duscha pointed out that her evaluation of the Community Day survey reveals that although the public supports senior housing, it is wary about giving the Planning Board additional flexibility. The words " which includes, but is not limited to" allow the Board to ask for whatever additional information it needs in any particular case.

It was agreed also to add 5.7.5.4 and 5.7.5.5 to Section 5.7.5.2, and to drop 5.7.5.3, which had been included simply for information.

Additional Conditions (Section 5.7.6) The Board agreed to re-write 5.7.6.3 so that it allows change in the special permit only by a new public hearing, which is the requirement of state law (Chapter 40-A). 5.7.5.4 will be eliminated because it really impinges on the Building Inspector's authority. A new Section 5.7.6.4 will be added to limit permits to two years, and to limit extensions to two years.

On a motion by Colman, seconded by Chaput, the Board voted to recommend the bylaw, as amended, to the participants at the public hearing on March 28. The vote was Colman, Yanofsky, Hughes, Chaput, Evans and Ernstoff yes, with Duscha abstaining.

Hughes Retirement The Board, recognizing that this meeting is Hughes' last, spoke gratefully about her enthusiasm and dedication during 6 years of service to the Town. The P.A. thanked her for the warm and helpful welcome she extended to her on her arrival in Carlisle one year ago. It was noted by Chaput that Hughes is the first Most Honored Citizen to be elected to the Board after receiving that award. In her honor, the Board offered refreshments to the crowd.

Ice Pond security account The Board recognizes that Hebb has completed items valued at \$33,000, that there is \$86,000 in the account, and that by stipulation, \$55,000 must remain in the account. Colman moved that the Board release funds down to the \$55,000

floor; the motion was seconded by Yanofsky. In the ensuing discussion, Board members expressed concern that the Hanscom v. Hebb suit still has impact on the Board such that legal bills, already amounting to over \$2200, may continue to mount. Were that to happen, there will most likely be inadequate funds in the contingency portion of the account. With that concern foremost, the Board voted not to release the funds. Ernstoff, Yanofsky, and Duscha voted in favor; Evans, Chaput, Colman and Hughes voted against the motion.

The Board will meet on April 11 and 25.

The meeting adjourned at 12:45.

Sandy Bayne, Planner Assistant